

City of Burien

BURIEN PLANNING COMMISSION
August 12, 2015
7:00 p.m.
Multipurpose Room/Council Chambers
MINUTES

To hear the Planning Commission's full discussion of a specific topic or the complete meeting, the following resources are available:

- Watch the video-stream available on the City website, www.burienwa.gov
- Check out a DVD of the Council Meeting from the Burien Library
- Order a DVD of the meeting from the City Clerk, (206) 241-4647

CALL TO ORDER

Chair pro-tem Butch Henderson called the August 12, 2015, meeting of the Burien Planning Commission to order at 7:05 p.m. He then welcomed newly appointed commissioner Joel Millar to the commission.

ROLL CALL

Present: Butch Henderson, Joel Millar, Curtis Olsen, Amy Rosenfield, Brooks Stanfield

Absent: Jim Clingan and Douglas Weber

Administrative staff present: Chip Davis, Community Development Department director, Brandi Eyerly, planner

AGENDA CONFIRMATION

Direction/Action

Motion was made by Commissioner Stanfield, seconded by Commissioner Olsen, to approve the agenda for the August 12, 2015, meeting. Motion passed 5-0.

APPROVAL OF MINUTES

Direction/Action

Motion was made by Commissioner Stanfield, seconded by Commissioner Rosenfield, and passed 5-0 to approve the minutes of the July 22, 2015, meeting.

PUBLIC COMMENT

Ray Helms, animal control officer with CARES, 909 SW 151st St., briefly reviewed the items he supplied as Attachment 5 to the staff memo on the keeping of animals.

OLD BUSINESS

A. Election of Chairperson and Vice Chairperson for the 2015-16 Term

Chair pro-tem Henderson opened the nominations for chair of the commission. Commissioner Rosenfield nominated Commissioner Olsen to serve as chair for 2015-16. There being no other nominations, chair pro-tem Henderson closed the nominations. Commissioner Olsen was elected chair for 2015-16 by a unanimous vote.

Chair pro-tem Henderson opened the nominations for vice chair. Commissioner Stanfield nominated Commissioner Rosenfield to serve as vice chair for 2015-16. There being no other nominations, chair

pro-tem Henderson closed the nominations. Commissioner Rosenfield was elected vice chair for 2015-16 by a unanimous vote.

B. Proposed Zoning Code Amendments Related to the Keeping of Animals

Planner Brandi Eyerly walked the commissioners through the updated City Council Comment and Decision Matrix, Attachment 1 to her staff report. The matrix highlights comments from the City Council's review at its April 27, 2015, study session of the commission's recommendations on the keeping of animals.

Commissioner Stanfield asked Mr. Helms if he has seen a difference between using an animal nuisance ordinance approach vs. amending a noise ordinance to include animal noise. He responded that it's not a cut and dried solution. On the one hand, under the nuisance ordinance, he said, he has some leeway and options available for resolving noise complaints before they reach the level of a nuisance; on the other hand, with a noise ordinance, right from the start he would have no choice but to issue the prescribed consequence for allowing an animal to disturb the peace of those around it. However, animals being included in the noise ordinance would give him a level of authority for dealing with those owners who don't care that their animal is disturbing people with the noise it is making.

He also said containment is a larger issue than space when it comes to animals; owners need to be responsible for making sure their animal does not get onto someone else's property.

Chair pro-tem Henderson asked what other jurisdictions are doing in relation to a noise ordinance that specifically addresses animals. Ms. Eyerly responded that while they do mention constant barking or constant noise, they are vague in defining what is too much or too loud. Chair pro-tem Henderson asked if any jurisdictions were setting limits, such as times when barking or other animal noise is permissible and times when animals must be quiet. Commissioner Stanfield noted that in the examples of other jurisdictions' codes, Seattle has put animal noise in its noise ordinance and suggested that's an example the commissioners could look at between now and the next meeting.

Commissioner Rosenfield asked Ray Helms if something like Tukwila's ordinance, in which the level of noise is loosely defined, would assist him in handling noise complaints. He replied that it would. She also noted that Des Moines has a provision that allows the City to limit the number of animals on a parcel to less than the maximum allowed by the zoning code if certain criteria, such as potential noise impacts, exist. She said adding a provision like that would give the City some flexibility. Chair pro-tem Henderson suggested Mr. Helms look at some of the examples provided to the Commissioners and let the commissioners know at their next meeting what he believed would be beneficial to include in Burien's code.

Commissioner Stanfield said he had some concern about the City Council's recommendation to retain the 20-foot setback for the keeping of small animals, noting that people with narrow lots would not be able to raise any chickens coops or rabbits in hutches. He said he felt that opportunity should be available to all property owners, even as density increases and lots may become smaller. Commissioner Millar agreed, saying that the issues of odors or noise would fall under a nuisance or noise ordinance. The consensus was that the originally proposed 10-foot setback is appropriate.

NEW BUSINESS

A. Proposed Zoning Code Amendments – Corrections to Text

Mr. Davis explained that nothing has changed with this item since last year when the Commission forwarded its recommendation on these technical correction amendments to the City Council; the Council simply ran out of time last year to consider them.

B. Introduction to Shoreline Master Program Limited Amendments

Mr. Davis explained that the purpose of this agenda item was for the commissioners to review the preliminary draft of the proposed limited amendments to the Shoreline Master Program (SMP). When

the revised SMP was adopted in 2013, it adopted by reference the existing Critical Areas ordinance. That ordinance was updated this past June, and the references in the SMP to the former code need to be revised. In this interim period, he continued, there are two sets of Critical Areas regulations in place – in the areas covered by the SMP, the old Critical Areas ordinance applies; the updated Critical Areas ordinance applies everywhere else in the City. The proposed limited amendments would bring the new Critical Areas regulations into the SMP and amend a table within the SMP to reflect the change in zoning designation around Lake Burien that was adopted by the City Council in December 2014; there would be no other changes to the SMP. Mr. Davis said there will be a public hearing on the draft amendments at the Commission's next meeting.

PLANNING COMMISSION COMMUNICATIONS

Commissioner Stanfield said he noticed a new path off of Des Moines Memorial Drive and asked Mr. Davis what's been going on in that area. Mr. Davis replied that it is in the Northeast Redevelopment Area, an area being transitioned from residential uses to airport industrial uses. Recently, the City constructed extensive stormwater treatment facilities there, along with a walking/bike path paralleling Miller Creek in that area. Commissioner Millar asked for information about the development of airport industrial uses in that area. Mr. Davis said the City had acquired the former Sunny Terrace Elementary School site and an adjacent homestead, had taken bids, and is selling the property to a developer who is going to build an airport industrial development. He noted that the majority of the area is owned and controlled by the Port of Seattle, and the City is working with the Port to ensure that its properties are similarly developed. He said the City also has been working at the state and federal level to secure funding for intersection/interchange improvements.

DIRECTOR'S REPORT

Mr. Davis reminded the commissioners that their next meeting is a public hearing. He said he still needed signed copies of the Commission Code of Conduct from three commissioners – Clingan, Stanfield and Millar. Mr. Davis said the commissioners were given copies tonight of the adopted bylaws and the updated boards and commissions code of conduct to be inserted into their Planning Commission handbooks. Finally, Mr. Davis noted that Jim Clingan has been absent due to illness, but fully expects to return to the commission soon.

ADJOURNMENT

Direction/Action

Commissioner Stanfield moved for adjournment; Commissioner Millar seconded. The meeting adjourned at 8:29 p.m.

APPROVED: August 26, 2015

/s/ Curtis Olsen, chair
Planning Commission